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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/870,545	05/30/2001	Kunihiko Tanaka	01318/LH	1055

7590 10/07/2003

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NEW YORK, NY 10017-2023

EXAMINER
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FISCHETTI, JOSEPH A

ART UNIT	PAPER NUMBER
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3627

DATE MAILED: 10/07/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application N .

09/870,545

Applicant(s)

TANAKA

Examiner

Joseph A. Fischetti

Art Unit

3627

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 10 August 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 May 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

***Drawings***

The drawings are objected to because the boxes 1,41-43 need to be identified using textual identifiers. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1,2,4, 6 rejected under 35 U.S.C. 102(b) as being anticipated by Trimble.

Trimble discloses reading units, arranged in customers' tables, respectively, for reading order identifying information of meal tickets of customers (indicators 39 are read as the reading means and the overall selection is read as the "ticket"); transmitting means for transmitting cooking information including the order identifying information read by the respective reading unit and a seat number identifying information on the table in which the reading unit is arranged (the electric circuits col. 4 line 20 are read as the transmitting means which as set forth in col. 4 line 22 also transmit seat identification information to the kitchen); cooking

information informing means for informing at least either of a cook and a cooking director of at least the order identifying information and the seat number identifying information of the cooking information transmitted by the transmitting means (read as the master indicator col. 4 lines 21-28) .

Re claim 2: a food and drink carrier container (read as the tray col. 4 line 25-34) and identifying information imparting means for imparting the seat number identifying information to the food and drink carrier container (is read as the timing means which correlates the tray with a designated seat).

Re claim 4: Trimble discloses a conveying means at delivery conveyor col. 4 line 28.

Re claim 6: guide means is read as the door opening mechanism described in col. 7. which when it opens door 26 announces the arrival of the tray.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Trimble in view of Barbieri and Walker et al. Trimble discloses a reading units, arranged in

customers' tables, respectively, for reading order identifying information of meal tickets of customers as set forth above and transmitting means for transmitting cooking information including the order identifying information read by the reading unit and a seat number identifying information on the table in which the reading unit is arranged,

However not disclosed in Trimble is an automatic cooking unit for automatically cooking an ordered food and drink in accordance with the order identifying information of the cooking information transmitted by the transmitting means. Barbieri does disclose such a machine. It would be obvious to modify the device in Trimble with the device in Barbieri to eliminate the manual cooking step because this would allow more consistent results.

Trimble does not disclose a seat number identifying information imparting means for imparting the seat number identifying information to the automatically-cooked-food-and-drink carrier container (read as a the tray) in accordance with the seat number identifying information of the cooking information transmitted by the transmitting means. However, Walker et al. (col. 6, lines 20-37) do disclose such a labeling device which affixes labels identifying items which are to be applied to a specific human. It would be obvious to modify the device in Barbieri to include such a labeling device to attach to the trays so that the tray with the ordered food will be sent to the correct person just as the right drug would be administered to the right person in Walker et al.

Claims 1,8,9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Trimble in view of Sandstedt. Trimble does not teach a meal ticket dispenser, but Sandstedt does. It would be obvious to modify the device in Trimble to include a ticket dispenser (col. 5 lines 52-56) because this would allow for movement of the holder to a desired table or to verify ownership of his order.

Claims 10-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Trimble in view of Barbieri, Walker et al. and Sandstedt. Trimble does not teach a meal ticket dispenser, but Sandstedt does. It would be obvious to modify the device in Trimble to include a ticket dispenser (col. 5 lines 52-56) because this would allow for movement of the holder to a desired table or to verify ownership of his order.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication should be directed to Joseph A. Fischetti at telephone number (703) 305-0731.

*Joseph A. Fischetti*  
Ping From  
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